

CLOSED,TYPE-D

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00866-RC**

NATIONAL IMMIGRATION LAW CENTER v. UNITED
STATES DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 03/26/2019
Date Terminated: 05/17/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**NATIONAL IMMIGRATION LAW
CENTER**

represented by **Arthur R. Bookout**
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& FLOM LLP
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V.

Defendant

**UNITED STATES DEPARTMENT
OF HOMELAND SECURITY**

represented by **Diana Viggiano Valdivia**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT**

represented by **Diana Viggiano Valdivia**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/26/2019	<u>1</u>	COMPLAINT for Injunctive Relief against UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Filing fee \$ 400 receipt number 0090-6023555) filed by NATIONAL IMMIGRATION LAW CENTER. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Civil Cover Sheet, # <u>15</u> Summons to US Attorney General William P. Barr, # <u>16</u> Summons to US Dept of Homeland Security, # <u>17</u> Summons to Immigration and Customs Enforcement, # <u>18</u> Summons US Attorney for the District of Columbia Jessie K. Liu)(Salzman, Donald) (Attachment 14 replaced on 3/27/2019) (zef,). (Entered: 03/26/2019)
03/26/2019	<u>2</u>	NOTICE OF RELATED CASE by NATIONAL IMMIGRATION LAW CENTER. Case related to Case No. USDC EDTN - 3:19-cv-62. (Salzman, Donald) (Entered: 03/26/2019)
03/26/2019	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL IMMIGRATION LAW CENTER (Salzman, Donald) (Entered: 03/26/2019)
03/26/2019	<u>4</u>	MOTION for Preliminary Injunction by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Text of Proposed Order)(Salzman, Donald) (Entered: 03/26/2019)
03/26/2019	<u>5</u>	MOTION to Expedite <i>Proceedings On Plaintiff's Motion for Preliminary Injunction</i> by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Declaration of Nora A. Preciado, # <u>2</u> Text of Proposed Order)(Salzman, Donald) (Entered: 03/26/2019)
03/27/2019		Case Assigned to Judge Rudolph Contreras. (zef,) (Entered: 03/27/2019)
03/27/2019	<u>6</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 03/27/2019)
03/27/2019	<u>7</u>	ERRATA <i>In Re Correction to Local Rule 5.1(c)</i> by NATIONAL IMMIGRATION LAW CENTER <u>1</u> Complaint,,, filed by NATIONAL IMMIGRATION LAW CENTER. (Salzman, Donald) (Entered: 03/27/2019)
03/27/2019	<u>8</u>	NOTICE of Appearance by Diana Viggiano Valdivia on behalf of All Defendants (Valdivia, Diana) (Entered: 03/27/2019)
03/27/2019	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jsaon S. Levin, :Address- One Rodney Square, 920 N. King Street, Wilmington, Delaware 19801. Phone No. - 302-651-3086. Fax No. - 302-434-3085 Filing fee \$ 100, receipt number 0090-6026615. Fee Status: Fee Paid. by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Declaration Declaration of Jason S. Levin, # <u>2</u> Text of Proposed Order)(Salzman, Donald) (Entered: 03/27/2019)
03/27/2019	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Eben P. Colby, :Address- 500 Boylston Street, Boston, MA 02116. Phone No. - 617-573-4855. Fax

		No. – 617–305–4855 Filing fee \$ 100, receipt number 0090–6026618. Fee Status: Fee Paid. by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Declaration of Eben P. Colby, # <u>2</u> Text of Proposed Order)(Salzman, Donald) (Entered: 03/27/2019)
03/27/2019	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Arthur R. Bookout, :Address– One Rodney Square, 920 N. King Street, Wilmington, Delaware 19801. Phone No. – 302–651–3026. Fax No. – 302–434–3026 Filing fee \$ 100, receipt number 0090–6026620. Fee Status: Fee Paid. by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Declaration of Arthur R. Bookout, # <u>2</u> Text of Proposed Order)(Salzman, Donald) (Entered: 03/27/2019)
03/28/2019	<u>12</u>	ERRATA by NATIONAL IMMIGRATION LAW CENTER <u>10</u> MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Eben P. Colby, :Address– 500 Boylston Street, Boston, MA 02116. Phone No. – 617–573–4855. Fax No. – 617–305–4855 Filing fee \$ 100, receipt number 0090–6026618. Fee Status: filed by NATIONAL IMMIGRATION LAW CENTER. (Salzman, Donald) (Entered: 03/28/2019)
03/28/2019		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a motion hearing on April 1, 2019 at 11:00 AM in Courtroom 14 before Judge Rudolph Contreras. SO ORDERED. Signed by Judge Rudolph Contreras on March 28, 2019. (lcrc3) (Entered: 03/28/2019)
03/28/2019		Set/Reset Hearings: Motion Hearing set for 4/1/2019 at 11:00 AM in Courtroom 14 before Judge Rudolph Contreras. (tj) (Entered: 03/28/2019)
03/28/2019		MINUTE ORDER granting <u>2</u> Motion for Leave to Appear <i>Pro Hac Vice</i> : Pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that Jason S. Levin is admitted to represent Plaintiff <i>pro hac vice</i> in this case. SO ORDERED. Signed by Judge Rudolph Contreras on March 28, 2019. (lcrc3) (Entered: 03/28/2019)
03/28/2019		MINUTE ORDER granting <u>10</u> Motion for Leave to Appear <i>Pro Hac Vice</i> : Pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that Eben P. Colby is admitted to represent Plaintiff <i>pro hac vice</i> in this case. SO ORDERED. Signed by Judge Rudolph Contreras on March 28, 2019. (lcrc3) (Entered: 03/28/2019)
03/28/2019		MINUTE ORDER granting <u>11</u> Motion for Leave to Appear <i>Pro Hac Vice</i> : Pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that Arthur R. Bookout is admitted to represent Plaintiff <i>pro hac vice</i> in this case. SO ORDERED. Signed by Judge Rudolph Contreras on March 28, 2019. (lcrc3) (Entered: 03/28/2019)
03/29/2019	<u>13</u>	Memorandum in opposition to re <u>4</u> MOTION for Preliminary Injunction filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration of James V.M.I. Holzer, # <u>2</u> Declaration of Toni Fuentes)(Valdivia, Diana) (Entered: 03/29/2019)
04/01/2019		MINUTE ORDER granting <u>4</u> Plaintiff's Motion for Preliminary Injunction; granting <u>5</u> Plaintiff's Motion to Expedite Proceedings. For the reasons stated on the record during the April 1, 2019 motion hearing, the Court concludes that Plaintiff has met the standard for preliminary relief (e.g., substantial likelihood of success on the merits, irreparable harm, balance of the equities, and public interest). The government has already determined that Plaintiff is entitled to a fee waiver and expedited processing of its FOIA request, and, but for the government's error, such processing would have been completed long ago. Moreover, if Plaintiff is unable to obtain the information sought in its FOIA request, the individuals Plaintiff represents in Tennessee may lose their ability to pursue <i>Bivens</i> claims due to the imminent lapsing of the relevant statute of limitations. Thus, Plaintiff has established irreparable harm. Finally, the public interest would be served by accelerating the expedited processing the government has already determined is appropriate to correct the government's error. And the limited acceleration ordered herein will not be disruptive to the public interest. Accordingly, it is hereby ORDERED that on or before the close of business on April 2, 2019, the government shall process and release at least one record containing all of the information sought by Plaintiff's FOIA request at issue here. Once the government locates and releases at least one such record, the government may, at its discretion, complete the remainder of its search at the pace indicated in its prior statements (i.e., 10 days). It is FURTHER ORDERED that the government may redact any released

		record or records, if the government believes that such redactions are justified by a particular FOIA exemption or exemptions. SO ORDERED. Signed by Judge Rudolph Contreras on April 1, 2019. (lcrc3) (Entered: 04/01/2019)
04/01/2019		Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing held on 4/1/2019 re <u>4</u> MOTION for Preliminary Injunction filed by NATIONAL IMMIGRATION LAW CENTER. Motion is GRANTED for reasons stated on the records. Order to follow. (Court Reporter: Patricia Kaneshiro Miller) (tj) (Entered: 04/02/2019)
04/02/2019	<u>14</u>	TRANSCRIPT OF PROCEEDINGS before Judge Rudolph Contreras held on April 1, 2019; Page Numbers: 1–15. Date of Issuance: April 2, 2019. Court Reporter/Transcriber Patricia A Kaneshiro–Miller, Telephone number 202–354–3243, Tape Number: Patricia_Kaneshiro–Miller@dcd.uscourts.gov. Transcripts may be ordered by submitting the Transcript Order Form<P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P>Redaction Request due 4/23/2019. Redacted Transcript Deadline set for 5/3/2019. Release of Transcript Restriction set for 7/1/2019.(pk) (Entered: 04/02/2019)
04/02/2019	<u>15</u>	MOTION for Preliminary Injunction (<i>Plaintiff's Expedited Renewed Motion for Preliminary Injunction</i>) by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Melissa S. Keaney, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Declaration of Carolina Romulo Mendoza, # <u>21</u> Declaration of Catarino Zapote Hernandez, # <u>22</u> Declaration of Geronimo Guerrero, # <u>23</u> Declaration of Isabel Zelaya, # <u>24</u> Declaration of Luis Roberto Bautista Martinez, # <u>25</u> Declaration of Maria del Pilar Gonzalez Cruz, # <u>26</u> Declaration of Martha Pulido)(Salzman, Donald) (Entered: 04/02/2019)
04/03/2019		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a motion hearing on April 3, 2019 at 4:00 PM in Courtroom 14 before Judge Rudolph Contreras. SO ORDERED. Signed by Judge Rudolph Contreras on April 3, 2019. (lcrc3) (Entered: 04/03/2019)
04/03/2019		Set/Reset Hearings: Motion Hearing set for 4/3/2019 at 04:00 PM in Courtroom 14 before Judge Rudolph Contreras. (tj) (Entered: 04/03/2019)
04/03/2019	<u>16</u>	Memorandum in opposition to re <u>15</u> MOTION for Preliminary Injunction (<i>Plaintiff's Expedited Renewed Motion for Preliminary Injunction</i>) filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration of Toni Fuentes (supplemental))(Valdivia, Diana) (Entered: 04/03/2019)
04/03/2019	<u>17</u>	MOTION to Stay Any Order Granting Plaintiff's Renewed Motion for a Preliminary Injunction Pending Appeal to the D.C. Circuit by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Valdivia, Diana) (Entered: 04/03/2019)
04/03/2019		Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing held on 4/3/2019 re <u>15</u> MOTION for Preliminary Injunction (<i>Plaintiff's Expedited Renewed Motion for Preliminary Injunction</i>) filed by NATIONAL IMMIGRATION LAW CENTER. Oral argument heard, motion taken under advisement. Court Reporter: Patricia Kaneshiro–Miller. (zcal) (Entered: 04/03/2019)

04/03/2019	<u>18</u>	NOTICE of Defendant ICE's Intent to Comply with Rule 45 Subpoena by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Exhibit Rule 45 Subpoena Issued by the United States District Court for the Eastern District of Tennessee)(Valdivia, Diana) (Entered: 04/03/2019)
04/03/2019	<u>19</u>	RESPONSE re <u>18</u> Notice (Other), <i>Plaintiff's Response to the Notice of ICE's Intent to Comply With Rule 45 Subpoena</i>) filed by NATIONAL IMMIGRATION LAW CENTER. (Attachments: # <u>1</u> Exhibit A to Response to Notice)(Salzman, Donald); Modified Exhibit A sealed at the request of counsel on 4/4/2019 (tth). (Entered: 04/03/2019)
04/03/2019	<u>20</u>	ENTERED IN ERROR.....RESPONSE re <u>18</u> Notice (Other), (<i>Plaintiff's Response to the Notice of ICE's Intent to Comply With Rule 45 Subpoena</i>) filed by NATIONAL IMMIGRATION LAW CENTER. (Salzman, Donald); Modified on 4/4/2019 (tth). (Entered: 04/03/2019)
04/03/2019	<u>21</u>	ORDER denying <u>15</u> Plaintiff's Motion for Preliminary Injunction. See document for details. Signed by Judge Rudolph Contreras on April 3, 2019. (lcrc3) (Entered: 04/03/2019)
04/03/2019	<u>22</u>	ERRATA by NATIONAL IMMIGRATION LAW CENTER <u>20</u> Response to Document filed by NATIONAL IMMIGRATION LAW CENTER. (Attachments: # <u>1</u> Exhibit 1)(Salzman, Donald) (Entered: 04/03/2019)
04/04/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>20</u> Response to Document was entered in error at the request of counsel. Said pleading is a duplicate of Docket Entry <u>19</u> . (tth) (Entered: 04/04/2019)
04/04/2019	<u>23</u>	MOTION to Seal the Contents of Docket Entry 19-1 by NATIONAL IMMIGRATION LAW CENTER (Attachments: # <u>1</u> Text of Proposed Order)(Salzman, Donald); Modified event and text on 4/4/2019 (tth). (Entered: 04/04/2019)
04/04/2019		MINUTE ORDER granting <u>23</u> Plaintiff's Motion to Seal. It is hereby ORDERED that docket entry 19-1 shall be sealed. SO ORDERED. Signed by Judge Rudolph Contreras on April 4, 2019. (lcrc3,) (Entered: 04/04/2019)
04/04/2019	<u>24</u>	TRANSCRIPT OF PROCEEDINGS before Judge Rudolph Contreras held on April 3, 2019; Page Numbers: 1-28. Date of Issuance: April 4, 2019. Court Reporter/Transcriber Patricia A Kaneshiro-Miller, Telephone number 202-354-3243, Tape Number: Patricia_Kaneshiro-Miller@dcd.uscourts.gov. Transcripts may be ordered by submitting the Transcript Order Form<P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P> Redaction Request due 4/25/2019. Redacted Transcript Deadline set for 5/5/2019. Release of Transcript Restriction set for 7/3/2019.(pk) (Entered: 04/04/2019)
04/26/2019	<u>25</u>	Consent MOTION for Extension of Time to File Answer or Otherwise Respond to Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Valdivia, Diana) (Entered: 04/26/2019)
04/29/2019		MINUTE ORDER granting <u>25</u> Defendants' Consent Motion for Extension of Time. It is hereby ORDERED that Defendants shall respond to the complaint on or before May 10, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on April 29, 2019. (lcrc3) (Entered: 04/29/2019)

05/09/2019	<u>26</u>	NOTICE of Voluntary Dismissal by NATIONAL IMMIGRATION LAW CENTER (Salzman, Donald) (Entered: 05/09/2019)
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